

PATENT APPLICATION
Attorney Docket No. Q64288

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Christian Oldendorf, Franz-Josef Melcher, and Christoph Berg

Reissue Application of U.S. Patent
5,902,965 issued on May 11, 1999

Filed: Herewith

For: ELECTRIC BALANCE FOR CORRECTING MISLOADING THEREOF

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

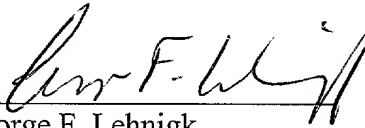
The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

INFORMATION DISCLOSURE STATEMENT
U.S. Appln. No.: Reissue of U.S. Patent No. 5,902,965

Complete English translations of foreign language documents are being submitted herewith, and therefore no concise explanation for such foreign language documents is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,


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[illegible]

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

S8-161(a)

In re Application of: CHRISTIAN OLDENDORF ET AL

Application No. 09/019,712

Filed: February 6, 1998

For: ELECTRONIC BALANCE FOR CORRECTING MISLOADING THEREOF

The owner, SARTORIUS AG, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,847,328. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

January 5, 1999

Date



Signature

ERIC P. SCHELLIN

Typed or printed name

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was

☒ unchanged. ☐ changed (if changed, an explanation should be supplied).

>*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee.<

Best Estimate Statement: This form is estimated to take 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the >>>Chief Information Officer<<< Patent and Trademark Office, Washington, DC 20231<<. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: >Assistant< Commissioner >>for< Patents <<, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

CHRISTIAN OLDENDORF ET AL

Examiner: **Gibson, R.**

Serial No: **09/019,712**

Art Unit: **2859**

Filed: **February 6, 1998**

For: **ELECTRONIC BALANCE FOR CORRECTING
MISLOADING THEREOF**

RESPONSE

Hon. Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is in response to the office action of November 2, 1998 in regard to the above captioned U.S. patent application.

IN THE DRAWINGS:

Withdraw the cancellation of the flowcharts 4a & 4b which was set forth in the response of September 23, 1998.

IN THE SPECIFICATION:

Page 3, between lines 20 and 21, insert the following paragraph: --Figures 4a and 4b show a flow chart of the course of a dosing.--.

Page 1, after the title, insert after "1995" --now U.S. Patent No. 5,847,328.--.

IN THE CLAIMS:

Cancel claims 1 and 2, without prejudice or disclaimer.

REMARKS

The undersigned submits herewith a Terminal Disclaimer to obviate the Double Patenting rejection.

Respectfully submitted,

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